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January 17, 2025,

Via ECF

Hon. Peggy Kuo, U.S.M.J.
U.S. District Court, E.D.N.Y.
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Novagold Resources Inc. v. J Capital Research USA LLC*, 20-cv-02875-LDH-PK; Joint Letter rer Discovery Status.

Dear Judge Kuo:

Together Plaintiff Novagold Resources Inc. (“NG”) and Defendant J Capital Research (“JCAP”) write to report to the Court on the status of Discovery.

For the Court’s convenience, here are Your Honor’s two prior orders regarding discovery:

Docket Text:

ORDER granting [202] Motion for Extension of Time to Complete Discovery. The deadline for Third Party Barrick Gold Corporation to complete production of all responsive information and for the parties to file a joint status report certifying the close of fact discovery is extended to January 17, 2025. Ordered by Magistrate Judge Peggy Kuo on 12/17/2024. (RO)

ORDER: The Court is in receipt of the parties’ letters at [196] and [199] regarding the status of fact discovery. The Court extends the deadline for the close of fact discovery to December 17, 2024, for Third Party Barrick Gold Corporation to complete production of all responsive information. Whether further discovery should be permitted will be decided after resolution of the discovery issues currently on appeal to the Honorable DeArcy Hall. Ordered by Magistrate Judge Peggy Kuo on 11/13/2024. (AJD)

I. JCAP’s Report re Third Party Barrick Gold Discovery.

Barrick Gold has now turned over to JCAP counsel some 14,000 documents responsive to their requests. There were some initial technical difficulties with opening links. Those were resolved two weeks ago and we are in the midst of downloading and reviewing those materials. We are also arranging to have the materials produced by Barrick made directly available to NovaGold’s counsel on a password protected basis. That should be in place today or no later than next week. We trust that the production is sufficient and compliant. We will advise the Court if there are any issues along those

lines, but doubt that there will be. We request time to February 17 to complete our review.

There are otherwise no new developments with respect to discovery and we expect none.

Regarding NovaGold's points 1 and 2 below: We already provided several rounds of supplemental discovery following the depositions as already discussed with the Court. Those issues have been fully treated in prior letters etc to the Court and need not be canvassed further.

We assume that Your Honor's Order of 11/13/2024 remains in effect as to any other possible discovery that might follow the referenced matters before Judge DeArcy Hall.

II. Novagold's Status Report

From Novagold's perspective, the current status of discovery is as follows:

1. Two appeals remain pending before Judge DeArcy Hall. They are (i) J Capital's appeal of Judge Kuo's March 29, 2024 Report and Recommendation finding that neither the Reporter's Privilege nor the Anonymous Speaker's privilege precluded disclosure of the identity of anyone who received payments in connection with the Report, ECF No. 157, and (ii) the Anonymous Third-Party's appeal of Judge Kuo's October 4, 2024 Report and Recommendation denying the Anonymous Third-Party's request for a protective order barring disclosure its identity under the First Amendment associational privilege, ECF No. 191.

2. Both J Capital and the Anonymous Third-Party have used the pendency of these appeals as a basis to resist discovery, and we have a number of outstanding requests to both J Capital and the Anonymous Third Party, as summarized in our November 6, 2024 letter, ECF No. 199. These include potentially targeted discovery from the Anonymous Third-Party and re-opening the depositions of Anne Stevenson Yang and Timothy Murray, who previously refused to answer oral questions and written follow-up questions on privilege grounds. *See id.* Per the Court's November 13, 2024 minute entry, we understand these issues will be addressed following resolution of the pending appeals.

Respectfully,

/s/ David S. Korzenik
David S. Korzenik
Counsel for Defendant

/s/ Brendan Quigley
Brendan Quigley
Counsel for Plaintiff